

**CITY COUNCIL MEETING MINUTES  
OCTOBER 27, 2003**

The City Council of the City of Council Bluffs, Iowa, met in regular session at 7:00 p.m., on above date in Council Chambers, City Hall. The meeting was called to order by the Honorable Mayor Thomas P. Hanafan. Councilmembers present: Belt, Pavich, Primmer, Tobias. Councilmember Walsh present (Item 6L). Staff present: City Attorney Dick Wade and City Clerk Cheryl Punteney.

Motion by Primmer, second by Belt, to approve the minutes of previous Council Meeting held October 13, 2003, approve the agenda and the tape recording of this proceeding be incorporated into official minutes. Ayes: 4.

Held Public Hearing to authorize disposal of excess City property vacated by Ordinance 4536, dated October 24, 1983. Motion by Pavich, second by Primmer, to adopt a Resolution authorizing disposal of same. Ayes: 4.

Motion by Belt, second by Pavich, to pass to 2nd consideration an Ordinance to amend Chapter 2.08 "Schedule of Fees" of the 2000 Municipal Code by amending Section 2.08.070 "Parks and Recreation Fees and Charges" as recommended by the Parks, Recreation and Public Property Commission. Ayes: 4.

Motion by Pavich, second by Primmer, to adopt a Resolution authorizing the Mayor to execute an agreement between the City and CPH Corporation for the transfer of title and remediation of 1207 West Broadway as part of the Mid-City Corridor Project. Ayes: 4.

Motion by Belt, second by Primmer, to adopt a Resolution authorizing the Mayor to execute a real estate contract to acquire 2800 Avenue A as part of the 28th Street and Avenue A Redevelopment Project. Ayes: 4.

Motion by Belt, second by Pavich, to adopt a Resolution authorizing the Mayor and City Clerk to execute an agreement with R.D. Blue Construction for the Emergency Repair to Timbercrest/Graham Storm Sewer. Ayes: 4.

Motion by Pavich, second by Primmer, to adopt a Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM & Associates for engineering services in connection with the South 18th Street Improvements - FY05-11A. Ayes: 4.

Motion by Belt, second by Pavich, to adopt a Resolution authorizing the City Clerk to certify said properties and assessments to the Pottawattamie County Treasurer for the repair of sidewalks, to be collected in the same manner as property taxes. Ayes: 4.

Motion by Pavich, second by Belt, to adopt a Resolution accepting the work of B&L Construction, Inc. in connection with the US 275 Interceptor Sewer-Phase I and authorizing the Finance Director to issue a City check in the amount of \$11,387.17. Ayes: 4.

Motion by Belt, second by Tobias, to adopt a Resolution accepting the work of Diamond Surface, Inc. in connection with the 2003 PCC Pavement Maintenance 25th Street-Avenue G to Nash Blvd. - Avenue G-32nd Street to 35th Street FY04-02 and authorizing the Finance Director to issue a City check in the amount of \$2,085.00. Ayes: 4.

Motion by Pavich, second by Primmer, to adopt a Resolution accepting the work of B&L Construction, Inc. in connection with the 29th Avenue Sanitary Sewer Phase IV and authorizing the Finance Director to issue a City check in the amount of \$39,040.64. Ayes: 4.

Motion by Pavich, second by Tobias, to adopt a Resolution accepting the work of MFT Construction, Inc. for the Happy Hollow Blvd. Improvements and Walton Avenue Improvements and authorizing the Finance Director to issue a City check in the amount of \$23,651.34. Ayes: 4.

Motion by Belt, second by Primmer, to adopt a Resolution authorizing the Mayor and City Clerk to enter into a contract with EDAW Inc., and HGM Associates Inc., for the design of the Missouri River Pedestrian Bridge landing area. Ayes: 3. Belt, Pavich, Primmer, Nays: 1. Tobias.

Motion by Belt, second by Primmer, to adopt a Resolution of intent to dispose of excess City property by granting an easement to the MidAmerican Energy Company for the purpose of upgrading their electric line, and setting a Public Hearing for 7:00 p.m., November 10, 2003. Ayes: 4.

Motion by Belt, second by Pavich, to adopt a Resolution of intent to dispose of excess City property vacated by Ordinance 3508, August 5, 1957 and setting a Public Hearing for 7:00 p.m., November 10, 2003. Ayes: 5.

Motion by Pavich, second by Primmer, to adopt a Resolution authorizing the Mayor to execute the Project Management Plan for the Missouri River Pedestrian Bridge on behalf of the City. Ayes: 4. Belt, Pavich, Primmer, Walsh. Nays: 1. Tobias.

Motion by Belt, second by Primmer, to receive and file items 8A through 8D. 8A. City Clerk's Monthly Receipts September-2003. 8B. List of Bills-September 30, 2003. 8C. Cash Balance Statement-September 30, 2003. 8D. 911 Communications Center Payment-September 30, 2003. Ayes: 5.

Motion by Belt, second by Walsh, to receive and file item 8 E. 8E. Five Notices of Claim. Ayes: 4. Belt, Pavich, Tobias, Walsh. Abstain: 1. Primmer.

Motion by Pavich, second by Walsh, to adopt a Resolution to amend the approved development plan for Mall of the Bluffs to allow construction of a new bank facility, including landscaping and signage, on a vacant lease site. Ayes: 5.

Motion by Belt, second by Walsh, to adopt a Resolution to amend the approved development plan for The Plaza at the M.A.R.C.C. (Mid-America Center) to include signage. Ayes: 5.

Motion by Primmer, second by Walsh, to approve applications for permits and cancellations as follows: CLASS "LC" LIQUOR LICENSE & SUNDAY SALES: 1. Mark's Smiling Faces, Inc., d/b/a Railway Inn, 115 So. 12th Street. 2. Pizza King, d/b/a Pizza King, 1101 N. Broadway. CLASS "BC" & SUNDAY SALES: 1. D&V Enterprises, Inc., d/b/a, Lake Manawa Convenience, 1115 South Omaha Bridge Road. 2. The Filling Station, d/b/a, The Filling Station, 1531 2nd Avenue. 3. Hedrick Enterprises, Inc., d/b/a/, The Filling Station, 1531 2nd Ave. CLASS "BW" BEER & SUNDAY SALES: 1. Hy-Vee #2, d/b/a, Hy-Vee #2 Mall of the Bluffs I80 & Madison Ave. 2. William D. or Karen Way, d/b/a, Jubilee Foods, 2801 West Broadway. (cancellation) CLASS "LE" LIQUOR & SUNDAY SALES: 1. No Frills Supermarket, Inc. d/b/a, No Frills Supermarkets, 1801 Valley View Drive. Ayes: 4. Pavich, Primmer, Tobias, Walsh. Abstain: 1. Belt.

Councilmember Belt reminds all to watch out for the little ones on Halloween night and wishes all a Safe and Happy Halloween.

Councilmember Tobias would like all citizens to get out and vote. City Council Election is Tuesday, November 4, 2003 and he would like to see everyone support the candidates who are running for election.

Mayor Hanafan commented on the Bowling Tournament which was held in Council Bluffs, he expressed his concerns along with Councilmember Tobias' concerns that Council Bluffs was not recognized, however Mayor reports he has heard wonderful things regarding the tournament and congratulated those who put the tournament together, saying the hotels, motels were packed, the shopping mall was full. Mayor expressed his appreciation that so much tourism money was spent in Council Bluffs. Councilmember Tobias concurred that even though our name was not out there he was still very proud of what the individuals who put the bowling tournament together accomplished.

Motion by Primmer, second by Walsh, to adjourn. Ayes: 5.

"The tape recording of this proceeding though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council Meeting as if they were transcribed herein."

/s/ Thomas P. Hanafan  
Mayor

Attest: /s/ \_\_\_\_\_  
City Clerk